

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-12098

GREGORY F. SANKEY,
Plaintiff

v.

THE SHAW GROUP, INC. and
STONE & WEBSTER, INC.,
Defendants

**JOINT MOTION
TO AMEND ORDER AND TO ADOPT
DISCOVERY PLAN**

The Plaintiff, Gregory F. Sankey ("Sankey"), and Defendants, The Shaw Group, Inc. and Stone & Webster, Inc. (collectively, the "Defendants"), hereby move to amend the Court's March 15, 2005 Scheduling Order to allow the Parties to conduct discovery before any summary judgment motion is filed, as Sankey has declined to dismiss certain counts from his Amended Complaint. In support of this motion, the Parties state as follows:

1. The Plaintiff, Gregory Sankey ("Sankey") filed a lengthy Complaint alleging that he was damaged after the Defendants reneged on their offer to hire him for an at-will position. The Defendants contend that they never offered to hire him, and that even if they had, Sankey would not be entitled to recover damages under most theories, as the alleged offer was for an at-will position.

2. On March 15, 2005 the Court held a Structuring Conference. At the conference, Judge Zobel expressed that the parties would be best served by determining the value of the case, and that this could likely be determined if the Defendants file a Motion for Partial Summary Judgment on Damages (the "Motion").

3. Judge Zobel acknowledged that several counts of the Amended Complaint contain different measures of damages that may not fall within the proposed Motion and that the Motion would not serve its intended purpose unless the Plaintiff dismissed several of these counts.

4. Accordingly, Judge Zobel ordered the Plaintiff to "clean up and focus the Complaint," with the expectation that the Plaintiff would dismiss those counts that would not fall within the proposed Motion. The parties agreed that if the Plaintiff did not dismiss those counts, the Defendants would not be required to file their Motion and the case would follow the ordinary discovery process.

5. The Plaintiff has elected not to dismiss several of these counts and, as a result, the Motion would not serve the intended purpose. Accordingly, the parties agree that a Motion for Partial Summary Judgment on Damages would be premature at this stage.

6. The Parties seek to have the Court amend its March 15, 2005 order to withdraw the requirement that the Defendants file a Motion for Partial Summary Judgment on or before May 20, 2005, and to have the Court approve the attached discovery schedule so that the Parties may proceed with the discovery process.

WHEREFORE, the Plaintiff, Gregory F. Sankey, and the Defendants, Stone & Webster, Inc. and The Shaw Group, Inc. respectfully request that this Court:

(A) amend the Court's March 15 order to remove the requirement that the Defendants file a Motion for Partial Summary Judgment on or before May 20, 2005;

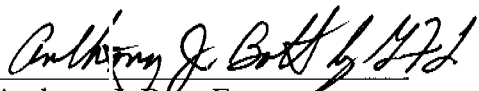
(B) endorse the attached discovery plan as a Court Order; and

(C) order such other relief as this Court deems just and proper.

Respectfully submitted,

GREGORY F. SANKEY

By his attorneys:



Anthony J. Bott, Esq.
Anthony J. Bott, PC
Eight Beach Road
PO Box 1137
East Orleans, MA 02643
508-240-2700

Dated: April 29, 2005

Respectfully submitted,

THE SHAW GROUP, INC. and STONE &
WEBTER, INC.

By its attorneys:


Richard C. Nelson, Esquire (BBO # 653790)
Kenneth Rubinstein, Esquire (BBO # 641226)
Nelson, Kinder, Mosseau & Saturley, P.C.
99 Middle Street
Manchester, NH 03101
(603) 647-1800